

Appln No. 09/831,726
Amdt date February 8, 2007
Reply to Office action of October 11, 2006

REMARKS/ARGUMENTS

The Examiner suggests that Applicant submit claims 1-11 for U.S. Application No. 09/831,726 in order to straighten the record.

Responsive to the Examiner's request, Applicant hereby submits a clean copy of claims 1-11 contained in the preliminary amendment dated November 19, 2001 for examination in this application.

The Examiner rejects claims 1-11 in the present applications on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,901,261.

Enclosed herewith is a Terminal Disclaimer as requested. Withdrawal of the double patenting rejection is requested.


Claims 1-11 are rejected as being obvious over Leifer 6,782,974 in view of Balogi et al. 2002/0022453 for reasons set forth in section 5.

Examiner's attention is called to the fact that Leifer has as an earliest filing date of May 8, 2000 and Balogi has as an earliest filing date of March 31, 2000 whereas the French Patent 9,906,348, on which the present PCT/FR00/01350 is based, claims priority of May 19, 1999 and, therefore, predates the filing date of either of the cited references. Withdrawal of the cited references is requested.

An early allowance of the claims in this application is respectfully requested.

Respectfully submitted,

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DBP/mac
Enclosure: Terminal Disclaimer

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